

July 29, 2005

TO:

R. Brown
State of Idaho
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83707-9815

FROM:

Donna E. Willoughby
22 Lake Creek Road
Salmon, ID 83467-5135

REFERENCE:

Water Right #75-4033B
Beneficial use (irrigation of acreage for agriculture) of lots
5 and 6 in Section 36 of 20 N 21 E, Boise Meridian, Lemhi
County, Idaho

- August 19, 1955 State of Idaho Deed of 46.98 acres of Public School Land of the State of Idaho to Martin R. Capps including "a right of way for ditches constructed by authority of the United States"
- July 29, 1976 Warranty Deed of 37.5 of those acres from Martin R. Capps and Fern Almira Capps to Donna E. Willoughby "Together with any and all water and water rights, ditch and ditch rights used in connection therewith."
- A notarized affidavit from the previous owner, Martin R. Capps, affirming 1967 as his first irrigation of the acreage for agriculture.
- The above and my 2005 Property Tax Assessment notice showing continuous, beneficial use of the Salmon River ditch water for irrigation.

Since I cannot find proof of any earlier claim date, I request that 1967 be established as the priority date for my water right #75-4033 B.


Donna E. Willoughby

PLEASE NOTE MY CORRECT ADDRESS LISTED ABOVE. I COULD NOT RESPOND SOONER BECAUSE YOUR INFORMATION WAS SENT TO A PREVIOUS ADDRESS, AND I WAS LATE IN RECEIVING IT.

10927 WR #75-4033B

Number 10165
Certificate No. 23257

STATE OF IDAHO DEED

To All to Whom These Presents Shall Come, Greetings:

Whereas, on the 19th day of August 1955, all that tract or parcel of Public School land of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to MARTIN R. CAPPS of Box 694, Salmon, State of Idaho, for the aggregate price of FOUR HUNDRED SEVENTY AND NO/100 DOLLARS And Whereas, the said sum of FOUR HUNDRED SEVENTY AND NO/100 DOLLARS has been fully paid to the proper receiving officer for the State of Idaho, by MARTIN R. CAPPS, Box 694, Salmon, Idaho, who received all right, title and interest in and to said land sale certificate by assignment dated 7-26-58 from Farmers Home Administration, Salmon, Idaho: who received all right, title and interest in and to said land sale certificate by assignment dated 3-26-62 from Martin R. Capps:

Now by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the purchase for the said tract or parcel of land hereinafter described:

Know Ye, That the said State of Idaho, in pursuance of law in such case made and provided, and in consideration of the premsaid, and of the aforesaid sum of FOUR HUNDRED SEVENTY AND NO/100 DOLLARS

the said State of Idaho paid, doth by these presents grant, bargain, sell, convey and confirm, in fee, unto the said MARTIN R. CAPPS his heirs and assigns, all of the said tract and parcel of land situated in the County of Lemhi and State of Idaho, and described as follows, to-wit:

Lots Five (5) and Six (6), Section Thirty-Six (36), Township Twenty (20) North, Range Twenty-One (21) East, Boise Meridian; containing Forty-Six and 98/100 (46.98) acres, more or less, subject to easement.

To have and to hold the said premises and parcel of land above particularly described, with the appurtenances thereon, unto the said MARTIN R. CAPPS

his heirs and assigns, in fee simple forever, subject to the provisions of Section 58-804, Idaho Code, as amended by Chapter 44, 1951 Session Laws; which grants over all lands belonging to the State a right of way for ditches constructed by authority of the United States; and to the provisions of Section 47-701, Idaho Code, reserving to the State all Mineral rights in lands sold subsequent to the 8th day of May, 1923, including sand and gravel.

In Witness Whereof, I, Don Samuelson, the Governor of the State of Idaho, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the Board of Land Commissioners to be hereunto affixed, this 26th day of August, 1968 A.D.

Countersigned:

Pat D. Carson
Secretary of State

Don Samuelson
Governor of Idaho and President of
State Board of Land Commissioners

Countersigned:

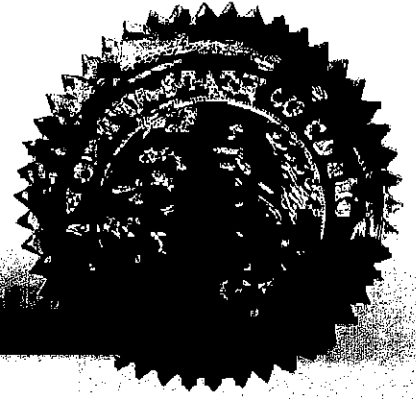
Don Samuelson
State Land Commissioner

STATE OF IDAHO, ss.
County of Ada, }

On this 26th day of August, in the year 1968, before

me, a Notary Public in and for said State, personally appeared Don Samuelson, known to me to be the Governor of the State of Idaho, and Pete T. Canaryusa, known to me to be the Secretary of the State of Idaho, and G. C. Trombley, known to me to be the Land Commissioner of the State of Idaho, who executed said instrument and acknowledged to me that such State of Idaho executed the same.

In Witness Whereof, I have hereunto set my hand and seal on the day and year last above written.



210932 WR # 75-4033B

204-WARRANTY DEED

Printed and for sale by State of Idaho, Boise, Idaho

(Optional)

☐ Recorded
☐ Microfilmed
☐ Indexed

☐ Platted
☐ Deed Card
☐ Compared

☐ Key Punched
☐ Master File
☐ Abstracted

☐ To Treasurer
☐

WARRANTY DEED

MARTIN R. CAPPS and FERN ALMIRA CAPPS, husband and wife,
County of Lemhi
hereby CONVEYS, GRANTS and WARRANTS TO DONNA E. WILLOUGHBY of
9772 Verde Mar Drive, Huntington Beach, California 92646
for the sum of ~~THIRTY-FIVE THOUSAND AND NO/100~~ ^{THIRTY-FIVE THOUSAND AND NO/100} Dollars (\$35,000.00)
the following described tract(s) of land in Lemhi County, State of Idaho:

Parcel in Lots 4, 5 and 6 in Section 36, Township
20 North, Range 21 East, Boise Meridian, Lemhi County,
Idaho, more particularly described as follows, to-wit:

Beginning at the West Quarter corner of said Section 36
(a brass cap); thence North 0°55' E., 1360 feet along
the West boundary of Section 36 to the North 1/16 corner;
thence South 88°50' E., 1477 feet;
South 43°30' W., 1195 feet;
South 30°00' E., 710 feet;
South 77°00' W., 550 feet;
South 60°19' W., 580 feet;
North 0°55' E., 563 feet along the West Boundary
of said Section 36 to the point of beginning. Containing
37.5 acres more or less.

Together with any and all water and water rights, ditch and
ditch rights used in connection therewith.

The above conveyance is made free and clear of all other
encumbrances except: Rights-of-way and easements, reser-
vations in Federal patents and State deeds, or other restric-
tions imposed by law, building and use restrictions of
record, building and zoning regulations and ordinances of
any governmental unit.

Location of above described property _____ House No. _____ Street _____
WITNESS the hand of said Grantors this 29th day of July A.D. 19 76

State of Idaho }
County of Lemhi. } ss. On the 20th day of August A.D. 19 76

personally appeared before me MARTIN R. CAPPS and FERN ALMIRA
CAPPS
the signer(s) of the within instrument, who duly acknowledged to me that they
executed the same.

(NOTARY SEAL)



Residing at: Salmon, Idaho My Commission expires: 10-1-79

MAIL DEED TO: _____
Name _____
Address _____
City & State _____ Zip _____
MAIL TAX NOTICE TO: _____

July 29, 2005

WR # 75-4033B

R. Brown
State of Idaho
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83707-9815

TO WHOM IT MAY CONCERN:

I do swear or affirm that I, Martin R. Capps, was the owner of, and began irrigating acreage in lots 5 and 6 at 20 N 21 E section 36 in Lemhi County, Idaho in 1967 by pumping from a Salmon River irrigation ditch.

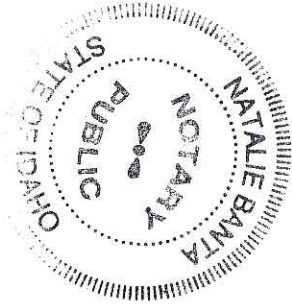
I later sold that property now located at 22 Lake Creek Road, Salmon, ID 83467-5135 to Donna E. Willoughby.

Signed

Martin R Capps

Print Name

Martin R Capps



Natalie Banta

my commission expires

5-18-2010

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THIS IS NOT A BILL.
DO NOT PAY.

ASSESSMENT NOTICE

& ESTIMATE OF TAX

WR # 75-4033B

PARCEL DESCRIPTION:

[illegible]

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (202) 393-3131

PARCEL ADDRESS:

DEBES

DONNA E
NERY ANN
CREEK ROAD D

Appeals of your property value must be filed in writing, on a form provided by the County, by:

6805 25 10 1985

1000

Tax Code Area: 53-0000

[illegible]

ASSESSED VALUE OF YOUR PROPERTY			
CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
✓ 00000-7 00000-8			
AGRICULTURAL RES BLDG	4.0000	3,156	3,996
AGRICULTURAL RES BLDG	4.0000	126	165
AGRICULTURAL RES BLDG	1.0000	16,000	16,000
AGRICULTURAL RES BLDG	25.7552	19,425	19,514
AGRICULTURAL RES BLDG	2.231	302,461	305,980
SUBTOTAL: LESS HOMEOWNERS EXEMPTION: NET TAXABLE PROPERTY VALUE:	34.985	341,306 50,000 291,306	345,455 50,000 295,455

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
TATE COUNTY RECORDS DEPARTMENT LIBRARY			208-756-0815 208-756-4271 208-756-0557 208-756-2311	Not Required 09/06/2005 06/12/2005 09/11/2005 07/21/2005
SUBTOTAL: FEES:				
TOTAL PROPERTY TAXES & FEES:				

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 $\frac{1}{2} \times \frac{1}{4} = \frac{1}{8}$
 $\frac{1}{4} \times \frac{1}{4} = \frac{1}{16}$
 $\frac{1}{8} \times \frac{1}{8} = \frac{1}{64}$
 $\frac{1}{16} \times \frac{1}{16} = \frac{1}{256}$
 $\frac{1}{64} \times \frac{1}{64} = \frac{1}{4096}$